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Court : Central Administrative Tribunal CAT Delhi

Decided On : Nov-11-2011

Judge : The Honourable Mr. G. George Paracken, Judicial Member & the Honourable Dr. a.K. Mishra, Administrative Member

Appeal No. : OA-1683 of 2011

Appellant : Vijay Kumar

Respondent : Govt. of Nct of Delhi Through the Chief Secretary, New Delhi and Others

Advocate for Pet/Ap. : For the Applicant: Ajesh Luthra, Advocate. For the Respondents: R1 and R2 - Mrs. Harvinder Oberoi, R3 - R.K. Jain, Advocates.

Judgement :

DR. A.K. MISHRA, MEMBER (A)

1. The applicant was a candidate for the post of Grade-IV (DASS) under Post Code No. 38/2008 under unreserved category. But, although he was provisionally selected for the post on the basis of the result notice dated 10.03.2010, his candidature was cancelled on the ground that his hand writing in the application form was not matching with that in the answer sheets.

2. The applicant submits that he had himself appeared in the examination and the skill test, the respondent Board had taken fool proof precaution against impersonation. It was unjustified to cancel his candidature without taking help of hand writing experts. He has scored higher marks than the selected candidates and had better claims for appointment on the post. Therefore, his prayer is to set aside the impugned order of cancellation of his candidature and to give a direction to the respondents to process his case for appointment and if necessary to obtain the opinion of hand writing experts.

3. The respondents have stated that the applicant was provisionally allowed to appear in the examination as UR candidate having the Roll No.2380270. He had obtained 123 marks out of 200 and was short-listed for type writing test, which he cleared on 30.12.2009. Therefore, provisionally he was declared to have been selected in the result notice dated 10.03.2010. However, at the time of scrutiny of his dossier, discrepancies were noticed in the signature/hand writing of the applicant and his case was withheld for verification of genuineness of his identity in the examination. A Committee of Senior Officers of the Board scrutinized all such cases and gave a report that the hand writing/signature of the candidate in answer sheets differed from what was given on the admit card and the application form. Even his writing of numerical figures was not consistent; therefore, his candidature was cancelled.

4. Learned counsel for the applicant placed reliance on the ruling given in the following cases:-

OA-3415/2010 and OA-65/2011 decided on 21.07.2011.

OA-3389/2010 decided on 17.08.2011.

In both the cases the candidates were debarred from taking part in examinations of the Board for five years on the ground of impersonation in examination and cheating. In both the cases, it was held that before taking such a harsh decision, the candidates were not put to any notice nor the views of any hand writing/finger print expert were obtained.

5. The applicant in the present case is also seeking similar reliefs. Learned counsel for the respondents submits that the facts of the present case are distinguishable. In the case cited by the applicant the aforesaid view was taken considering the implications of the decision to debar the candidates for five years, which is not the case here. A regular Committee of senior officers of the Board scrutinized the answer papers and other documents and, prima facie, came to a conclusion that the hand writings/signatures did not match. There is no allegation of malafide against the respondent authority nor against the Members of Scrutiny Committee. The report of the Committee made the following observations about the applicant:-

S.No. Name of Candidate Roll No. Observations of Committee

2. Shri Vijay Kumar02380270 The hand writing and signature of the candidate appears to differ on admit card, answer sheet and on application form. Moreover, his numerical writing also seems to differ.

6. We agree with the contention of the learned counsel for the respondents. The facts of the present case are distinguishable. It is not that the applicant has been debarred from appearing in selection tests of the Board for five years. His candidature has been cancelled on the basis of the verification report of the Committee constituted for the purpose. It is not his case that there was a single technical infringement such as writing of his name in the application form and elsewhere in capital letters. There is no allegation of malafide against the officers of the respondent Board who scrutinized his hand writing/signatures and numerical figures and prima facie came to the conclusion that there was mismatch. We are conscious of the fact that the respondent Board has the onerous responsibility of conducting numerous tests and ensuring safe guards against impersonation and cheating. It would be too much to ask them to obtain expert opinion in each case of mismatch of handwritings. Therefore, we do not think that the present case would be covered by the judgment of this Tribunal cited by the applicant.

7. For the aforesaid reasons, we would not like to interfere with the decision of the respondent Board. The O.A. is accordingly dismissed.